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International Court of Justice

H1052-0002

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

SUBMISSION OF AFFIDAVITS BY THE DEFENSE PURSUANT TO THE ORDER OF THE TRIBUNAL DATED 5 JULY 1946.

31 July 1946

COMMISSIONER:

Mr. I. D. McIlwraith

ALLGEMEINE SA

(THE COMMISSION CONVENED AT 1530 HOURS.)

~~COMMISSIONER~~ McILWRAITH: We are ready now to hear affidavits on behalf of the Allgemeine-SA.

DR. ASCHENAUER: All the affidavits are summarized pertaining to one specific point of the charges. The Prosecution charges that the NSDAP and the SA were one unified whole, with a unified aim and goal. The Prosecution further charges that the SA participated in the conspiracy against world peace in which the SA could be utilized for any purpose and in any activity which was required by the conspirators.

(German transcript page 1736.)

I am submitting a group of affidavits on this theme which show that the Prosecution is mistaken in its charges.

The first affidavit is by ARNOLD RECHBERG. This affidavit shows that the SA as well as the NSDAP did not represent one unified whole and it refutes the conspiracy of the SA as a closed or rather unified organization. The affidavit says:

1. Elements loyal to Moscow infiltrated into the National Socialist combat organizations, SA and SS, consciously, by order of Moscow.

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2. 24,000 Communists transferred into the combat organizations of the NSDAP up to July 1932, part of them by directive of Moscow.

3. This infiltration started before the year 1930.

4. In connection with the alliance between the political generals of the Reichswehr and the Red Army, in regard to which the English General Sir Borlase Edward Wyndham Childs K.C.M.G. and Lord William G. Tyrrell were instructed exactly, 40 million marks were put at the disposal of the NSDAP at the instigation of Stalin.

5. Declaration of Manuilskys dated 5 June 1932: "Our radical fictitious hostility against Hitler makes it impossible for our adversaries to calculate our moves in time. Under the given circumstances it must be our first aim to bring Hitler into power in Prussia.

6. Secret report of the Gestapo on the basis of which Communists joined National Socialist organizations, like the SA. There they achieved leading positions in order to pull members into the Communist line by use of National Socialistic ~~xxxx and movements.xx~~ slogans and behavior.

7. This so-called orientation to the East, the significance of which was already underlined in a number of the "Kleinen Journal" dated 10 April 1931, was opposed by the orientation to the West, the foreign policy which was represented by Ernst Roehm and the Supreme SA Leadership.

I request a translation of the complete affidavit.

~~COMMISSIONER~~ M.S. McILWRAITH: Have you any comments on that, Mr. Morrecco?

MR. ~~MORRECCO~~ MARRECO: I do not think I have any objection, Sir. It is difficult to take it in as it was read. There is a great deal in it but as far as I can see there is no objection. I am afraid I didn't quite understand what it was all about; it didn't seem to me to be very relevant.

~~COMMISSIONER~~ M.S. McILWRAITH: Nor did I completely understand what it is about. It

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seemed to be entirely against the Communists and Stalin. How the fact that there were communists in the NSDAP had anything to do with the unification of the SA and the NSDAP I don't understand. I want to ask Dr. Aschenauer to explain it.

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DR. ASCHENAUER: In this large mass which the NSDAP Rx represented, there were on one hand people who wanted an alliance with the East. On the other hand there were people who were in favor of an Alliance with the Western powers as a defense against the comintern world policy of Moscow.

MR. McILWRAITH: People in the NSDAP do you mean?

DR. ASCHENAUER: People of the NSDAP, as well as of the organizations, that is to say, the great political body of the NSDAP. I enlarged upon this idea in the idealogical sense. Then there were NSDAP on one hand composed of the middle European bourgeois circles and on the other hand some of them who were Bolshevists.

MR. McILWRAITH: Mr. Marrecco, you said you had no objection to this affidavit. ~~You see you have an affidavit.~~ Can you point out to me anything in it which shows that there was no ~~Do you now object to it as not showing a~~ unification of the NSDAP and ~~others~~ S.A.? We have not had any explanation from Dr. Aschenauer on that.

MR. MARRECCO: I quite agree with you that it isn't even remotely relevant.

MR. McILWRAITH: Now, Dr. Aschenauer, ~~xx~~ can you explain in simple language how these things are connected?

DR. ASCHENAUER: The consequences of the direction which these policies took was the 30th of June, 1934, on the basis of which the Supreme leadership was removed;

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which represented the Western entente; those who moved ~~removed~~ in a Western direction lost influence, consequently, the SA could not have participated in the conspiracy ~~against~~ against world peace.

MR. McILWRAITH: You told me in the beginning this affidavit showed the SA and NSDAP were not a unified whole. Is that so?

DR. ASCHENAUER: The SA and NSDAP were not a unified whole, consequently since the SA was against the policies after 1934 the SA cannot be made responsible for the policies after 1934 which lead to the world war and those are the charges of the Prosecution and that is where the affidavit refutes the charges of the Prosecution. That is the first important point of the four points which are refuted. The importance of the affidavit is also shown by the following:

For these show the policy propagated by the Supreme SA leaders and opposing this affidavit is by Arnold Rechberg, ~~Ritter Franz Xxxx~~ Hoerauf, ~~to~~ of the other affidavits which follow and will destroy entirely a unified whole as far as foreign policies are concerned, and that again is important for the conspiracy charged by the Prosecution.

MR. McILWRAITH: Have you anything more to say, Mr. Marecco? We will leave open my decision about this affidavit until we have heard a summary of the other eight, ~~and~~ but if you have anything more to say now we will hear it.

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MR. MARECCO: I have nothing further to say.

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DR. ASCHENAUER: I now submit affidavit by Ritter Franz von Hoerauf.

This affidavit shows first the conferences of Roehm with English and French political circles within the frame work of a Western pact in Geneva.

At the occasion of a May meeting of the League of Nations in 1931, Bern, Zurich, Paris, London, Genoa -

MR. McILWRAITH: Frankly, I don't understand this at all. ~~Is that what~~ What is that you say it shows, Dr. Aschenauer?

DR. ASCHENAUER: The affidavit shows the conferences of Roehm with all English and French political circles.

MR. McILWRAITH: What is a conference with a circle? Can't you explain that better?

DR. ASCHENAUER: The second sentence shows a theme or goals of the conferences.

The aims of the conferences were:

(a) Roehm puts himself at the top of the NSDAP.

Roehm established a military and foreign policy office in order to establish a Western Pact. Here are opposed the Eastern thought in the Moscow area and the Western thought as defensive thought against the East. One cannot explain more clearly the dissension of the goals within the NSDAP.

MR. McILWRAITH: Let me try to understand it. You say this affidavit refers to conferences between Roehm

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and some French and English circles, at which conferences Roehm was trying to establish himself as head of the NSDAP?

DR. ASCHENAUER: No, that is a mistake. In order to clarify this I quote only the following three sentences from the affidavit:

The Roehm plan was as follows: To enlarge the SA as far as possible in order to be able to work independently of the NSDAP. We also find in the affidavit something about Roehm attempting to contact German governmental leaders in order to make a coalition against Hitler. That again deals in part with the unified plan, as point No. 3. In this connection, may I recall to you the hearing of Max Juettner who has testified that in 1934 Roehm had a conference with French military attaches to the same effect, which conference was one of the reasons for the purging of Roehm and others.

MR. McILWRAITH: But if Max Jeuttner said this, then this affidavit is cumulative.

DR. ASCHENAUER: This affidavit is not cumulative for the reason that Juettner is talking about the Roehm Putsch of the year 1934, but this affidavit deals with the speriod from 1931 to 1932, and this affidavit indicates the basic possibility of a distinctive Roehm line of foreign policy.

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MR. McILWRAITH: Just one more thing I want to know about this. I think you have said that this affidavit showed that Roehm wanted to enlarge the SA so that it could work independently of the NSDAP?

DR. ASCHENAUER: Not to enlarge it but to remove it from the circles of the so-called politicians who were characterized by Roehm only as demogogues.

MR. McILWRAITH: So that it was formerly a part of the party, was it?

DR. ASCHENAUER: Basically in 1921 and 1924 the SA was established as a part of the party but Roehm during the course of development wanted to become independent.

MR. McILWRAITH: And that was in 1931 and 1932, was it?

DR. ASCHENAUER: That was in 1931 and 1932 and 1934.

MR. McILWRAITH: I think I have heard all I want to. What are your comments on that one?

MR. MARECCO: I have no objection to that one.

MR. MCILWRAITH: You understand I am not making any decisions until I have heard all nine.

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DR. ASCHENAUER: The next affidavit is by FUERST WALDBURG zu ZEIL. This affidavit shows a contract agreement between Sir Henry Deterding, who played a part in the

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conferences which were shown in the affidavit by Fuerst Waldburg zu Zeil. Furthermore, the locality is named where the original contract is. The original contract is at present in the safe of a Swiss bank in Zurich -

Mr. MCILWRAITH: Between whom is the contract, ~~of~~ between Sir Henry Deterding, and whom?

DR. ASCHENAUER: Between Sir Henry Deterding and Roehm. It is an economic agreemwnt wi thin the frame wor k of the Western pact.

MR. McILWRAITH: Go on, is that all you have to say about that one?

DR. ASCHENAUER: ~~XXXXXXX~~ There is another affidavit from the year 1934 showing the same line which also deals with the Roehm contract by ----

MR. McILWRAITH: I want to deal only with one affidavit at a time.

DR. ASCHENAUER: ~~WEREN'T~~ Weren't you finished with No. 3?

MR. McILWRAITH: Certainly not. All you have told me is what the frame work has to do with the SA and as I understand it the affidavit refers to an econcomic agreement between Sir Henry Øeterding and Roehm, but I have not understood what that agreement is.

DR. ASCHENAUER: This agreement was made between Roehm and the Chief of the SA leadership.

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MR. MARECCO: Does it really matter what the contents are? It seems to me that any agreement between Roehm and Deterding, who as I recall was a substantial capitalist and a great oil magnate, and in no sense a representative of the British Government or any other government, would be quite irrelevant to any defense which Dr. Aschenauer may wish to put forward to the charges which are made against the SA, namely, that by gaining the mastery of the streets they assisted the rise to power.

MR. McILWRAITH: ~~As far as I understand it~~ I have not been understood that Dr. Aschenauer said Sir Henry Deterding was a representative of the British Government.

DR. ASCHENAUER: I haven't finished with it yet and I want to say that this contract was between Sir Henry Deterding and the British Intelligence Service. I couldn't bring a witness from the English Intelligence Service who is still alive today, and that was done in his official capacity.

MR. McILWRAITH: Have you finished your summary?

~~DR. ASCHENAUER: Yes sir.~~

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~~COMMISSIONER: Have you finished your summary?~~

DR. ASCHENAUER: In order to fulfill the request for what is contained in the contract - in order to enable Roehm to achieve his goal in political respects - Roehm is being supported financially by the political circles of the West. In return for this Roehm promises, after his ascension to power, economic advantages in order to give back what he has received.

MR. MARRECO: I don't know what you think about this affidavit, Sir. It might well be that it discloses a most interesting story. As far as I know Deterding was an oil man, ~~He had~~ there is nothing to show that he had anything to do with the British Secret Service. He may well have had something to do with it. Stranger things have happened. But failing proof that he had - I do not see that we can accept any agreement made between Roehm and Deterding as evidence of British government or ~~on~~ often official support given during those years to the SA.

COMMISSIONER: Tell me this, Mr. Marreco, if Sir Henry Deterding had been Prime Minister of England would any agreement between him and Roehm have anything to do with the indictment?

MR. MARRECO: Yes, sir, because surely the British government could not, in 1946, be a party to the trial of the SA, if it had in earlier years itself supported it financially..... If Dr. Aschenauer could show that the British government entered into an economic agreement by which in consideration of Roehm's gaining power we

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undertook to support the Party, then he would be furthering his case a long way, I think.

COMMISSIONER: Do you put it the same way, Dr. Aschenauer?

DR. ASCHENAUER: Yes. And I can prove that. That is why I have applied for the hearing of the witnesses Werner von Alvensleben and Wallenhoefer, which will put the crown on this truth.

COMMISSIONER: Do you say, as Mr. Marreco does, that you have only to prove the existence of an agreement between Roehm and a representative of the British government in order to make this affidavit relevant?

DR. ASCHENAUER: It is not only agreement, but they had a unified aim.

COMMISSIONER: But at the moment I do not think this affidavit is relevant, even if Sir Henry Deterding is shown to have been a representative of the British government. Do you say I am wrong for the same reasons Mr. Marreco says I am wrong?

DR. ASCHENAUER: What I want to say is, that Sir Henry Deterding and the French and English political circles are the same. And these English and French political circles, because there was a democracy, could have been in power at any time.

MR. MARRECO: I think we are getting into rather deep, but irrelevant waters. I suggest that if there was

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such an agreement - there is no attempt made in the affidavit to establish that Deterding was a representative of the British government, which quite clearly he was not. If these conversations were carried on at all between Deterding and Roehm then they were carried on by Deterding in his capacity as a private citizen and in furtherance of his own capitalistic interests; or, at most, they were unofficial feelers carried on by him on behalf of someone in the Conservative government. But in no case was he an accredited representative of the British government; and that being so, I submit that the affidavit is irrelevant to the SA defense.

DR. ASCHENAUER: But even if that were correct - and Sir Henry Deterding were a person without any political influence - this affidavit does indicate the goal of Roehm, which breaks apart the SA and the NSDAP.

MR. MARRECO: That is looking at the thing from an entirely different point of view. I simply said that I thought the affidavit would be relevant if it showed agreement between the SA and the British government; but if it merely shows a willingness on Roehm's part to enter into agreements with reactionary interests of other countries, I really don't see that it helps the SA at all. It is quite irrelevant.

DR. ASCHENAUER: I do not believe that it deals here with the reactionaries of other countries. But it deals

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with the political powers which were a power in England in 1941.

MR. MARRECO: Sir Henry Deterding may have had political influence - I do not deny that - but he had no political authority.

DR. ASCHENAUER: But those circles which were in contact with him, Conservative circles, were ready to go into power at any time, and it was possible at any time. And this agreement, then, would have been turned into a gov e rnment contract.

MR. MARRECO: So Dr. Aschenauer says, but that does not appear so from the affidavit. There is nothing about that in the affidavit.

COMMISSIONER: Will you go on with the next one?

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DR. ASCHENAUER: I now have an affidavit by GENERAL FRIEDRICH HASELMAYR. It shows that Roehm attempted amicable relationship with the Western powers in 1934 within the framework of a defensive goal against danger points which, in the view of Roehm, resulted from the motto of the world revolution.

Those were official conferences with the French Ambassador and the English and French Attaches. Those were not private discussions.

COMMISSIONER: Are you talking about the last affidavit?

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DR. ASCHENAUER: About the Haselmayr affidavit.

COMMISSIONER: Are you saying that Roehm attempted amicable relations with the Western powers in 1934? ~~Were~~ That attempts were made to get in touch with the governments of the Western powers ~~in order~~ to obtain the support of the Nazi Party and the SA?

DR. ASCHENAUER: Roehm attempted the Western Pact in 1934 with all its economic, political and cultural laws. Roehm also was Reich Minister.

COMMISSIONER: Who is this General Haselmayr?

DR. ASCHENAUER: General Haselmayr was one of Roehm's co-workers, and president of the New Commonwealth.

COMMISSIONER: Does the affidavit give any particulars and the purposes for which Roehm wanted these relationships?

DR. ASCHENAUER: The affidavit shows that.

COMMISSIONER: Is that all you have to say?

DR. ASCHENAUER: Yes, sir, that is all.

COMMISSIONER: Have you any comments, Mr. Marreco?

MR. MARRECO: I think there is no objection to that affidavit. I think there is no objection to any of these affidavits -- but I don't see their relevance. They don't seem to have any bearing on any defense to the charges which we made against the SA at all.

COMMISSIONER: Are you saying that irrelevance is no objection?

MR. MARRECO: That is for the Commission to decide.

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COMMISSIONER: Can you help me. You say you have no objection, and yet that it is not relevant.

MR. MARRECO: When I say there is no objection - I say that because it has been the practice of the Commission not to take too strenuous objections; for the assistance of the Commission I want to say that since the common ~~point~~ theme in all these affidavits is now becoming clear - I don't see that any of them were very relevant.

COMMISSIONER: Well, now, will you get on to the next matter, please?

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DR. ASCHENAUER: The others no longer deal with this part of the problem. The next is a supplement to an affidavit which I have previously submitted, and the right to supplement was reserved to me.

COMMISSIONER: Has ~~the supplement to~~ the affidavit (with this is a supplement) been submitted already:

DR. ASCHENAUER: I have submitted it (the affidavit), and I declared it ~~is~~ was not complete as yet, and I ~~will~~ (that I would) supplement it. An affidavit by Mappes, which was not completed.

COMMISSIONER: Any objections:

(No objection).

DR. ASCHENAUER: I am submitting a supplement to the affidavit by Mappes pertaining to the theme "9 November 1938." I request its translation. The affidavit of Mappes has been allowed already. The complete translation of

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this affidavit is requested.

COMMISSIONER: ~~Where is the rest of it?~~ How long is it?

DR ASCHENAUER: There is only one page.

COMMISSIONER: All right, proceed to the next one.

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DR. ASCHENAUER: The affidavit of KARL WILHELM SIEBEL. It shows that in the area of Minden also the SA issued counter orders against excesses and had put up guards for the protection of synagogues and Jewish buildings. Furthermore, it proves that Lutze issued an order due to the excesses against Jews shortly after the 10th of November 1938, which permitted employment of the SA within the framework of co-operation with the political leadership only if a special permit of the superior office was given.

When Brigadefuehrer Siebel asked about it, the superior office explained explicitly that this order was caused by the prohibited use of individual SA men against the Jews on the part of other offices outside of the SA.

The use of the SA to assist the Hoheitstraeger, possible up to then, was prohibited by this order.

COMMISSIONER: Any objections?

(No objection).

Very well, [80] on with the next one.

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DR ASCHENAUER: To the theme "Compulsion and Entrance into Organizations" I submit the affidavit by DR. FRIEDRICH WEBER. The affidavit reads in part: "Every student would study at the expense of the State. For this reason the State demands that every student serve in the Party or its organizations" (these sentences originated with the speech of Gaustudentenfuehrer Dr. Doerfler in the summer semester of 1936). Furthermore, the affidavit reads in part: "Large circles knew unofficially at that time that refusal to obey the orders of the State and the Party would cause surveyance since one was excluded from being employed for the Volksgemeinschaft"(the Folk Community).

COMMISSIONER: Is not this affidavit cumulative? Has not this evidence been given over and over again?

DR. ASCHENAUER: This is the only affidavit which speaks of the situation in the University of Munich area. If the fact which is being stated here is appreciated as the truth, of course I should like to withdraw it but I would ask the Commission for a ruling on this...

COMMISSIONER: It is not a question whether it is admitted as truth, but whether it has been presented before or not.

MR. MARRECO: It certainly has been stated before, and it certainly is not admitted to be true by the prosecution, but I certainly think this affidavit should be allowed.

COMMISSIONER: Why do you say that?

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MR. MARRECO: As I understand it, a great many of these affidavits are cumulative to the evidence given before the Commission. That is to some extent permissible, so long as they are not cumulative to one another.

DR. ASCHENAUER: They are not cumulative one to each other. It is the rule that the affidavit be subm itted to the Commission...

COMMISSIONER: All right - the next one now?

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DR. ASCHENAUER: The affidavit of JOHANNES PRIESE, Member of the Communist Party, expert for all denazification tribunals for the government district of Lower Bavaria, and Oberpfalz. Agreement with the special Commissioner for political liberation.

Dr. Priese as expert witness submits an affidavit which shows: The SA served neither militarism nor belligerency. The cross-country manoeuvers were practiced without arms. One must differentiate in the SA among the following: Traditional storms composed of SA men with membership before 30 January 1933, and the young storms composed of members of the SA after 30 January 1933. Opposed to which, on one hand, 300,000 old SA fighters, four and onehalf million SA members in July 1934, and after the Roehm putsch on the other hand one and one half million SA members. There can be no thought that the aims and

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activities which are characterized as criminal in the sense of paragraph 6 of the Charter were known to the larger part of the SA. And one must state that by far the larger part of the SA members regarded the entire work of the SA as a political and ideological education, and for those who were of the younger generation as a school of physical education. If one wanted to speak of a responsibility on the part of the SA one could talk about that only in so far as such members were concerned who had been members of the SA (traditional SA) before 30 January 1933.

I request the complete translation of the affidavit.

COMMISSIONER: What is the length of it?

DR. ASCHENAUER: Well spaced, five pages.

COMMISSIONER: Mr. Marreco?

MR. MARRECO: No objection by the prosecution to this affidavit.

DR. ASCHENAUER: My colleague here, Dr. Duerr, represents the Rider Corps, SA, and I should like him to make a statement in regard to the SA.

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DR. DUERR: Aside from the affidavits which were allowed from Madeleine Roentgen in Switzerland, and of Lorenz Fehrenbacher, the NS (or SA) Rider Corps wishes to submit two final affidavits.

The first one is an affidavit from Schramm. The Tribunal heard the witness Schramm on the 8th of July

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as witness for defendant Jodl. Two defense counsels for the organizations applied to be permitted to cross examine him. They were refused. They were referred to the Commission. After conference with Col. Neave the witness Schramm was withdrawn as a witness, and only an affidavit was submitted by him. It has the number NSRK-86. Professor Schramm was a professor for medieval and modern history at the University in Goettingen. He was a member of the NS Rider Corps. He is the author of a peace letter addressed to the Archbishop of Canterbury in the year 1938, which was read in the Lower House by Chamberlain. This is a summary of the affidavit:

Schramm in his capacity of former reserve officer characterizes the military value of the SA Rider Corps as zero. The NS Rider Corps never owned a pistol, a rapid fire arm, a machine gun, a grenade thrower. And it also did not train in the use of such arms. Though he was a cavalry reserve officer, like other reserve officers he remained Rottenfuehrer (platoon leader). The view of the regular officers was that the activity in the NS Rider Corps was a new form of the German desire to have societies.

Schramm in a letter to the Archbishop of Canterbury, with whom he was acquainted, expressed his ~~choice~~ joy about the securing of ~~the~~ peace by the Munich Conference in 1938. He wants to have not only his convic~~tion~~tion as reserve officer but also the conviction of the NS Rider Corps at that time expressed in these words:

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That the ac tual mood was correctly reproduced could not have been only the concept of the Archbishop, but also that of Neville Chamberlain, for Neville Chamberlain read my letter which he characterized as the ideas of the Germans in the Lower House.

MR. MARRECO: I don't think that is at all relevant to the Rider Corps. This is an expression of the purely personal outlook of one of its members on matters of foreign politics - which are of no concern to the Rider Corps activities. The Rider Corps may well have been a military training organization and still have a member who was happy about the events at Munich.

DR. DUERR: The witness Schramm does not talk only for the NS Rider Corps but for the love of peace of the entire SA and the German people.

MR. MARRECO: He is speaking entirely of himself when he writes ~~of~~ Neville Chamberlain ~~and~~ along what he achieved at the Munich conference.

DR. DUERR: I believe it to be a proof that he is not talking for himself alone, for the reason that Neville Chamberlain characterized the letter as characteristic of the love of peace of the German people.

MR. MARRECO: Surely if Chamberlain read this letter in the House he was reading it as a letter from a distinguished

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German scholar, not as from a member of the SA. Professor Schramm is not a leader of the Rider Corps, or a leader of the SA, nor did he in his letter express his congratulations on behalf of the SA. He expressed them on behalf of himself. And it is perfectly clear that Mr. Chamberlain attached importance to these congratulations because they came from Schramm as a distinguished German scholar, not from "Smith" or "Brown" as SA members.

COMMISSIONER: I think it is very unfortunate that this letter to Chamberlain comes into the matter at all. If that were all the affidavit were about I would refuse it. But in view of the fact that I understand also it speaks as to the military value of the Rider Corps I am ~~supposed~~ disposed to allow it.

DR. DUERR: I agree to cutting out that part of the affidavit which deals with the speech of Chamberlain.

MR. MARRECO: Yes, I would suggest that that part be struck out.

DR. DUERR: May I ask to continue with this translation of this summary as important parts are still to come.

COMMISSIONER: Certainly, go ahead.

DR. DUERR: In his position as the author of the War Diary of the Wehrmachtfuehrunrsstab, Schramm never could observe that the SA leadership had taken, or had any influence whatsoever in the fuehrer headquarters. The influence of the SA receded after the ascension to power and after the 30th of July 1934 it was clearly recognizable

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that it was eliminated from any important influence in the political development. Since the ascension of power membership in the SA was considerably less significant than membership in the Party. Again, membership in the NS Rider Corps was considered less than membership in the SA.

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COMMISSIONER: Is this the only affidavit on behalf of the Rider Corps? ~~(Referring to an affidavit just handed to him by a person who just entered the room.)~~

DR. DUERR: ~~This~~ There is another affidavit which has just arrived from the Bishop of Ermland of East Prussia.

COMMISSIONER: Have you a summary of the affidavit?

DR. DUERR: No, I have no summary. I just want to read the most important parts of it. It just arrived and I was not able to prepare a summary.

The affidavits emanating from the Russian zone were reserved for the defense.

The Bishop of Ermland in respect to the friendly attitude the Rider Corps had toward the church, states -- I now quote literally from the affidavit:

Members of the Ermland Riding Association considered it a special honor for centuries to meet the Bishop of Ermland, their former sovereign, when he made his official visits, and his confirmation visits, into the community and to accompany him to the next church. The transfer

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of the Riding Associations into the SA did not change anything about that though the higher leadership attempted to stop this "Bishop's Ride", and prohibited members of the SA from participating in it. Put to the choice to omit the Bishop's Ride or to be eliminated from the SA, the Ermland SA Rider Storms put it up to the higher leadership to eliminate them since they could not under any circumstances omit meeting the Bishop and to accompany him. Because this attitude was by far that of the largest number of members of the Ermland Rider SA the higher leadership could not execute the threatened punitive measures.

MR. MARRECO: No objections.

COMMISSIONER: Really, has this anything to do with the Rider Corps?

MR. MARRECO: I suppose it ~~is~~ has, insofar as persecution of the church by the SA, and therefore by the SA Rider Corps, is a point taken by the prosecution.

COMMISSIONER: Are those the grounds on which you present it, Dr. Duerr?

DR. DUERR: Yes, sir, those are the grounds.

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COMMISSIONER: We have dealt with all ten affidavits now, have we? And there are no more for the SA or the Rider Corps?

DR. DUERR: Except for the two reserved, which I mentioned at the beginning.

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COMMISSIONER: I did not get those names. Give them to me again please.

DR. DUERR: They are: Madeleine Roentgen and Lorenz Fehrenbacher.

COMMISSIONER: Why do you wish to reserv e these? Why are they not ready now?

DR. DUERR: The affidavit from Madeleine Roentgen emanates from ~~in~~ Switzerland and has not as yet arrived, and is expected at any moment. The other, we must submit with it a picture. It is the confirmation of the picture. And the affidavit pertaining to the picture has not as yet arrived.

COMMISSIONER: It is not for me to say whether these will be heard. It is for Col. Neave. But I understood that today was the very last day for the hearing of affidavits.

Well, now, as to these ten. I am going to disallow No. 1, that of ARNOLD RECHBERG, as being irrelevant, disallow Affidavit No. 3, FUERST WALDBURG zu ZEIL, as being irrelevant, and there being no evidence that Sir Henry Deterding represented the British government at the time of thealleged agreement or at any other time.

And I am going to disallow No. 4, the affidavit of FRIEDRICH HASELMAYR as being irrelevant.

I am going to allow all others, except No. 9, that of SCHRAMM, which I am going to allow so long

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as all references to the letter to Mr. Chamberlain are omitted.

DR.ASCHENAUER: The defense reserves the right to argue before the Court regarding the disallowed affidavits. Up to now objections were put into the transcript and the discussion of the argument about it was to be put before the Court.

MR. MARRECO: The argument about this is in the transcript.

COMMISSIONER: I don't understand that, about the transcript. What is the contention?

DR. ASCHENAUER: For the final decision as to whether they are allowed are up to the Tribunal.

COMMISSIONER: What is that you said about the transcript?

DR.ASCHENAUER: Nothing.

~~(And the~~ (Dr. Aschenauer's statement is re-read by the German reporter; and it was found that the English interpretation should have read as follows:)

DR. ASCHENAUER: The defense reserves the right to argue before the Court regarding the disallowed affidavits. Up to now objections were noted and the argument regarding the final decision is the affair of the Tribunal.

COMMISSIONER: There is nothing more to be said. The Commission will now adjourn.

* * * * *

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The fore going is a true and correct transcript of teh submission of Affidavits by DR. ASCHENAUER, taken on 31 July 1946.

Reporter (pp 1-3

Reporter (pp 4-10

Reporter (pp 11-17

CERTIFIED TO :

Commissioner

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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

SUBMISSION OF AFFIDAVITS BY THE DEFENSE PURSUANT TO THE ORDER OF THE TRIBUNAL DATED 5 July 1946.

31 July 1946.

COMMISSIONER:

Mr. I.D. McIlwraith.

ALLGEMEINE SA

(THE COMMISSION CONVENED AT 1530 HOURS)

MR. MCILWRAITH: We are ready now to hear affidavits on behalf of the Allgemeine-SA.

DR. ASCHENAUER: All the affidavits are summarized pertaining to one specific point of the charges. The Prosecution charges that the NSDAP and the S were one unified whole, with a unified aim and goal. The Prosecution further charges that the SA participated in the conspiracy against world peace in which the SA could be utilized for any purpose and in any activity which was required by the conspirators.

(German transcript page 1746)

I am submitting a group of affidavits on this theme which show that the Prosecution is mistaken in its charges.

The first affidavit is by Arnold Rechberg. This affidavit shows that the SA as well as the NSDAP did not represent one unified whole and it refutes the conspiracy of the SA as a closed or rather unified organization. The affidavit says:

1. Elements loyal to Moscow infiltrated into the National Socialist combat organizations, SA and SS, consciously, by order of Moscow.

2. 24,000 Communists transferred into the combat organizations of the NSDAP up to July 1932, part of them by directive of Moscow.

3. This infiltration started before the year 1930.

4. In connection with the alliance between the political generals of the Reichswehr and the Red Army, in regard to which the English General Sir Borlast Edward Wyndham Childs K.C.M.G. and Lord William G. Tyrrell were instructed exactly, 40 million marks were put at the disposal of the NSDAP at the instigation of Stalin.

5. Declaration of Manuilskys dated 5 June 1932: "Our radical fictitious hostility against Hitler makes it impossible for our adversaries to calculate our moves in time. Under the given circumstances it must be our first aim to bring Hitler into power in Prussia.

6. Secret report of the Gestapo on the basis of which Communists joined National Socialist organizations, like the SA. There they achieved leading positions in order to pull members into the Communist line by use of National Socialistic slogans and behavior.

7. This so-called orientation to the East, the significance of which was already underlined in a number of the "Kleinen Journal" dated 10 April 1931, was opposed by the orientation to the West, the foreign policy which was represented by Ernst Roehm and the Supreme SA Leadership.

I request a translation of the complete affidavit.

MR. MCILWRAITH: Have you any comments on that, Mr. Marreco?

MR. MARRECO: I do not think I have any objection, sir. It is difficult to take it in as it was read. There is a great deal in it but as far as I can see there is no objection. I am afraid I didn't quite understand what it was all about; it didn't seem to me to be very relevant.

MR. MCILWRAITH: Nor did I completely understand what it is about. It seemed to be entirely against the Communists and Stalin. How the fact that there were communists in the NSDAP had anything to do with the unification of the SA and the NSDAP I don't understand. I wans to ask Dr. Aschenauer to explain it.

DR. ASCHENAUER: In this large mass which the NSDAP represented, there were on one hand people who wanted an alliance with the East. On the other hand there were people who were in favor of an Alliance with the Western powers as a defense against the comintern world policy of Moscow.

MR. MCILWRAITH: People in the NSDAP, do you mean?

DR. ASCHENAUER: People of the NSDAP, as well as of the organizations, that is to say, the great political body of the NSDAP. I enlarged upon this idea in the ideological sense. Then there were NSDAP on one hand composed of the middle European bourgeois circles and on the other hand some of them who were Bolshevists.

MR. MCILWRAITH: Mr. Marreco, you said you had no objection to this

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affidavit. Can you point out anything in it which shows there was no unification of the NSDAP and the SA? We have not had any explanation from Dr. Aschenauer on that.

MR. MARRECO: I quite agree with you that it isn't even remotely relevant.

MR. MCILWRAITH: Now, Dr. Aschenauer, can you explain in simple language how these things were connected?

DR. ASCHENAUER: The consequences of the direction which these policies took was the 30th of June 1934, on the basis of which the Supreme leadership was removed; which represented the Western entente; those who moved in a Western direction lost influence, consequently the SA could not have participated in the conspiracy against world peace.

MR. MCILWRAITH: You told me in the beginning this affidavit showed the SA and NSDAP were not a unified whole. Is that so?

DR. ASCHENAUER: The SA and NSDAP were not a unified whole, consequently since the SA was against the policies after 1934 the SA cannot be made responsible for the policies after 1934 which lead to the world war and those are the charges of the Prosecution and that is where the affidavit refutes the charges of the Prosecution. That is the first important point of the four points which are refuted. The importance of the affidavit is also shown by the following:

For these show the policy propagated by the Supreme SA leaders and opposing this is the affidavit by Arnold Rechberg, Hoerauf, and the other affidavits which follow and will destroy entirely a unified whole as far as foreign policies are concerned, and that again is important for the conspiracy charged by the Prosecution.

MR. MCILWRAITH: Have you anything more to say, Mr. Marreco? We will leave open my decision about this affidavit until we h ave heard a summary of the other eight, but if you have anything more to say now we will hear it.

MR. MARRECO: I have nothing further to say.

DR. ASCHENAUER: I now submit affidavit by Ritter Franz von Hoerauf.

This affidavit shows first the conferences of Roehm with English and French political circles within the framework of a Western pact in Geneva.

At the occasion of a May meeting of the League of Nations in 1931, Bern, Zurich, Paris, London, Genoa --

MR. MCILWRAITH: Frankly, I don't understand this at all. What isit that you say it shows, Dr. Aschenauer?

DR. ASCHENAUER: The affidavit shows the conferences of Roehm with all English and French political circles.

MR. MCILWRAITH: What is a conference with a circle? Can't you explain that better?

DR. ASCHENAUER: The second sentence shows a theme or goals of the conferences.

The aims of the conferences were:

(a) Roehm puts himself at the top of the NSDAP.

Roehm established a military and foreign policy office in order to establish a Western Pact. Here are opposed the Eastern thought in the Moscow area and the Western thought as defensive thought against the East. One cannot explain more clearly the dissension of the goals within the NSDAP.

MR. MCILWRAITH: Let me try to understand it. You say this affidavit refers to conferences between Roehm

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Affidavits.

and some French and English circles, at which conferences Roehm was trying to establish himself as head of the NSDAP?

DR. ASCHENAUER: No, that is a mistake. In order to clarify this I quote only the following three sentences from the affidavit:

The Roehm plan was as follows: To enlarge the SA as far as possible in order to be able to work independently of the NSDAP. We also find in the affidavit something about Roehm attempting to contact German governmental leaders in order to make a coalition against Hitler. That again deals in part with the unified plan, as point No. 3. In this connection, may I recall to you the hearing of Max Juettner who has testified that in 1934 Roehm had a conference with French military attaches to the same effect, which conference was one of the reasons for the purging of Roehm and others.

MR. McILWRAITH: But if Max Jeuttner said this, then the affidavit is cumulative.

DR. ASCHENAUER: This affidavit is not cumulative for the reason that Juettner is talking about the Roehm Putsch of the year 1934, but this affidavit deals with the period from 1931 to 1932, and this affidavit indicates the basic possibility of a distinctive Roehm line of foreign policy.

MR. McILWRAITH: Just one more thing I want to know about this. I think you have said that this affidavit showed that Roehm wanted to enlarge the SA so that it could work independently of the NSDAP ?

DR. ASCHENAUER: Not to enlarge it but to remove it from thecircles of the so-called politicians who were characterized by Roehm only as demogogues.

MR. McILWRAITH: So that it was formerly a part of the party was it?

DR. ASCHENAUER: Basically in 1921 and 1924 the SA was established as a part of the party but Roehm during the course of development wanted to become independent.

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Affidavits.

MR. McILWRAITH: So that was in 1931 and 1932, was it ?

DR. ASCHENAUER: That was in 1931 and 1932 and 1934.

MR. McILWRAITH: I think I have heard all I want to. What are your comments on that one ?

MR. MARRECO: I have no objection to that one.

MR. McILWRAITH: You understand I am not making any decisions until I have heard all nine.

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DR. ASCHENAUER: The next affidavit is by Fuerst Waldburg zu Zeil. This affidavit shows a contract agreement between Sir Henry Deterding, who played a part in the conferences which were shown in the affidavit by Fuerst Waldburg zu Zeil. Furthermore, the locality is named where the original contract is. The original contract is at present in the safe of a Swiss bank in Zurich.

MR. McILWRAITH: Between whom is the contract, between Sir Henry Deterding, and whom ?

DR. ASCHENAUER: Between Sir Henry Deterding and Roehm. It is an economic agreement within the framework of the Western Pact.

MR. McILWRAITH: Go on, is that all you have to say about that one ?

DR. ASCHENAUER: There is another affidavit from the year 1934 showing the same line which also deals with the Roehm contract by----

MR. McILWRAITH: I want to deal with only one affidavit at a time.

DR. ASCHENAUER: Weren't you finished with No. 3 ?

MR. McILWRAITH: Certainly not. All you have told me is what the frame work has to do with the SA and as I understand it the affidavit refers to an economic agreement between Sir Henry Deterding and Roehm, but I have not understood what the agreement is.

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Affidavits.

DR. ASCHENAUER: This agreement was made between Roehm and the chief of SA leadership.

MR. MARRECO: Does it really matter what the contents are? It seems to me that any agreement between Roehm and Deterding, who as I recall was a substantial capitalist and a great oil magnet, and in no sense a representative of the British Government or any other government, would be quite irrelevant to any defense which Dr. Aschenauer may wish to put forward to the charges which are made against the SA, namely, that by gaining the mastery of the streets they assisted the rise to power.

MR. McILWRAITH: Ihave not even understood that Dr. Aschenauer ever said Sir Henry Deterding was a representative of the British Government.

DR. ASCHENAUER: I haven't finished with it yet, and I want to say that this contract was between Sir Henry Deterding and the British Intelligence Service. I couldn't bring a witness from the English Intelligence Service who is still alive today. That was done in his official capacity.

MR. McILWRAITH: Have you finished your summary ?

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DR. ASCHENAUER: In order to fulfill the request for what is contained in the contract -in order to enable Roehm to achieve his goal in political respects- Roehm is being supported financially by the political circles of the West. In return for this Roehm promises, after his ascension to power economic advantages in order to give back what he hasreceived.

MR. MARECCO: I don't know what you think about this affidavit, Sir, It might well be that it discloses a most interesting story. As far as I know Deterding was an oil man, and there is nothing to show that he had anything to do with the British Secret Service. He may well have had something to do with it. Stranger things have happened. But failing proof that he ha -- I do not see that we can accept any agreement made between Roehm and Dete ding as evidence of British government or other official support given durin those years to the SA.

COMMISSIONER: Tell me this, Mr. Marreco, if Sir Henry Deterding had b Prime Minister of England would any agreement between him and Roehm have anything to do with the indictment?

MR. MARRECO: Yes, sir, because surely the British government could no in 1946, be a party to the trial of the SA, if it had in earlier years itself supported it financially ... If Dr. Aschenauer could show that the British government entered into an economic agreement by which in consideration of Roehm's gaining power we undertook to support the Party, then he would be furthering his case a long way, I think.

COMMISSIONER: Do you put it the same way, Dr. Aschenauer?

DR. ASCHENAUER: Yes, And I can prove that. That is why I have applied for the hearing of the witnesses Werner von Alvensleben and Wallenhoefer, which will put the crown on this truth.

COMMISSIONER: Do you say, as Mr. Marreco does, that you have only to prove the existence of an agreement between Roehm and a representative of th British government in order to make this affidaivt relevant?

DR. ASCHENAUER: It is not only agreement, but they had a unified aim.

COMMISSIONER: But at the moment I do not think this affidavit is relevant, even if Sir Henry Deterding is shown to have been a representative of the British government. Do you say I am wrong for the same reasons

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Mr. Marreco says I am wrong?

DR. ASCHENAUER: What I want to say is, that Sir Henry Deterding and t French and English political circles are the same. And these English and French political circles, because there was a democracy, could have been in power at any time.

MR. MARRECO: I think we are getting into rather deep, but irrelevant waters. I suggest that if there was such an agreement -- there is no attemp made in the affidavit to establish that Deterding was a representative of th British government, which quite clearly he was not. If these conversations were carried on at all between Deterding and Roehm then they were carried on by Deterding in his capacity as a private citizen and in furtherance of his own capitalistic interests; or, at most, they were unofficial feelers carrie on by him on behalf of someone in the Conservative government. But in no case was he an accredited representative of the British government; and that being os, I submit the affidavit is irrelevant to the SA defense.

DR. ASCHENAUER: But even if that were correct -- and Sir Henry Deterding were a person without any political influence -- this affidavit does indicate the goal of Roehm, which breaks apart the SA and the NSDAP.

MR. MARRECO: That is looking at the thing from an entirely different point of view. I simply said that I thought the affidavit would be relevant if it showed agreement between the SA and the British government; but if it merely shows a willingness on Roehm's part to enter into agreements with reactionary interests of other countries, I really don't see that it helps the SA at all. It is quite irrelevant.

DR. ASCHENAUER: I do not believe that it deals here with the reactionaries of other countries. But it deals with the political powers whic were a power in England in 1941.

MR. MARRECO: Sir Henry Deterding may have had political influence -- I do not deny that -- but he had no political authority.

DR. ASCHENAUER: But those circles which were in contact with him, Conservative circles, were ready to go into power at any time, and it was possible at any time. And this agreement, then, would have been turned into a government contract.

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MR. MARRECO: So Dr. Aschenauer says, but that does not appear so from the affidavit. There is nothing about that in the affidavit.

COMMISSIONER: Will you go on with the next one?

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DR. ASCHENAUER: I now have an affidavit by General Friedrich Haselmayr. It shows that Roehm attempted amicable relationship with the Western powers in 1934 within the frame work of a defensive goal against danger points, which, in the view of Roehm, resulted from the motto of the world revolution.

Those were official conferences with the French Ambassador and the English and French Attaches. Those were not private discussions.

COMMISSIONER: Are you talking about the last affidavit?

DR. ASCHENAUER: About the Haselmayr affidavit.

COMMISSIONER: Are you saying that Roehm attempted amicable relations with the Western powers in 1934? That attempts were made to get in touch with the governments of the Western powers in order to obtain their support of the Nazi Party and the SA?

DR. ASCHENAUER: Roehm attempted the Western Pact in 1934 with all its economic, political and cultural laws. Roehm also was Reich Minister.

COMMISSIONER: Who is this General Haselmayr?

DR. ASCHENAUER: General Haselmayr was one of Roehm's co-workers, and president of the New Commonwealth.

COMMISSIONER: Does the affidavit give any particulars and the purposes for which Roehm wanted these relationships?

DR. ASCHENAUER: The affidavit shows that.

COMMISSIONER: Is that all you have to say?

DR. ASCHENAUER: Yes, sir, that is all.

COMMISSIONER: Have you any comments, Mr. Marreco?

MR. MARRECO: I think there is no objection to that affidavit. I think there is no objection to any of these affidavits -- but I don't see their relevance. They don't seem to have any bearing on any defense to the charges which we made against the SA at all.

COMMISSIONER: Are you saying that irrelevance is no objection?

MR. MARRECO: That is for the Commission to decide.

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COMMISSIONER: Can you help me. You say you have no objection, and yet that it is not relevant.

MR. MARRECO: When I say there is no objection -- I say that because it has been the practice of the Commission not to take too strenuous objections; for the assistance of the Commission I want to say that since the common theme in all these affidavits is now becoming clear -- I don't see that any of them were very relevant.

COMMISSIONER: Well, now, will you get on to the next matter, please?

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DR. ASCHENAUER: The others no longer deal with this part of the problem. The next is a supplement to an affidavit which I have previously submitted, and the right to supplement was reserved to me.

COMMISSIONER: Has the affidavit to which this is a supplement been submitted already:

DR. ASCHENAUER: I have submitted it (the affidavit) and I declared it was not complete as yet, and that I would supplement it. An affidavit by Mappes, which was not completed.

COMMISSIONER: Any objections:

(No objection).

DR. ASCHENAUER: I am submitting a supplement to the affidavit by Mappes pertaining to the theme "9 November 1938". I request its translation. The affidavit of Mappes has been allowed already. The complete translation of this affidavit is requested.

COMMISSIONER: How long is it?

DR. ASCHENAUER: There is only one page.

COMMISSIONER: All right, proceed to the next one.

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DR. ASCHENAUER: The affidavit of Karl Wilhelm Siebel. It shows that in the area of Minden also the SA issued counter orders against excesses and had put up guards for the protection of synagogues and Jewish buildings. Furthermore, it proves that Lutze issued an order due to the excesses against Jews, shortly after the 10th of November 1938, which permitted employment of the SA within the framework of cooperation with the political leadership only if a

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special permit of the superior office was given.

When Brigadefuehrer Siebel asked about it, the superior office explained explicitly that this order was caused by the prohibited use of individual SA men against the Jews on the part of other offices outside of the SA.

The use of the SA to assist the Hoheitstraeger, possible up to then, was prohibited by this order.

COMMISSIONER: Any objections?

(No objection).

Very well, go on with the next one.

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DR. ASCHENAUER: To the theme "Compulsion and Entrance into Organizations" I submit the affidavit of Dr. Friedrich Weber. The affidavit reads in part: "Every student would study at the expense of the State. For this reason the State demands that every student serve in the Party or its organizations" (these sentences originated with the speech of Gaustudentenfuehrer Dr. Doerfler in the summer semester of 1936). Furthermore, the affidavit reads in part: "Large circles knew unofficially at that time that refusal to obey the orders of the State and the Party would cause surveyance since one was excluded from being employed for the Volksgemeinschaft" (the Folk Community

COMMISSIONER: Is not this affidavit cumulative? Has not this evidence been given over and over again?

DR. ASCHENAUER: This is the only affidavit which speaks of the situation in the University of Munich area. If the fact which is being stated here is appreciated as the truth, of course I should withdraw it but I would like to ask the Commission for a ruling on this...

COMMISSIONER: It is not a question whether it is admitted as truth, but whether it has been presented before or not.

MR. MARRECO: It certainly has been stated before, and it certainly i not admitted to be true by the prosecution, but I certainly think this affidavit should be allowed.

COMMISSIONER: Why do you say that?

MR. MARRECO: As I understand it, a great many of these affidavits

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are cumulative to the evidence given before the Commission. That is to sor extent permissible, so long as they are not cumulative to one another.

DR. ASCHENAUER: They are not cumulative one to each other. It is the rule that the affidavit be submitted to the Commission...

COMMISSIONER: All right -- the next one now?

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DR. ASCHENAUER: The affida vit of Johannes Priese, Member of the Communist Party, expert for denazification tribunals for the government district of Lower Bavaria, and Oberpfalz. Agreement with the special Commissioner for political liberation.

Dr. Priese as expert witness submits an affidavit which shows: The SA served neither militarism nor beligerency. The cross-country manoeuvers were practiced without arms. One must differentiate in the SA among the following: Traditional storms composed of SA men with membership before 30 January 1933, and the young storms composed of members of the SA after 30 January 1933. Opposed to which, on one hand, 300,000 old SA fighters, four and one half million SA members in July 1934, and after the Roehm putsch on the other hand one and one half million SA members. There can be no thought that the aims and activities which are characterized as criminal in the sense of paragraph 6 of the Charter were known to the larger part of the SA. And one must state that by far the larger part of the SA members regarded the entire work of the SA as a political and ideological education, and for those who were of the younger generation as a school of physical education. If one wanted to speak of a responsibility on the part of the SA one could talk about that only in so far as such members were concerned who had been members of the SA (traditional SA) before 30 January 1933.

I request the complete translation of the affidav it.

COMMISSIONER: What is the length of it?

DR. ASCHENAUER: Well spaced, five pages.

COMMISSIONER: Mr. Marreco?

MR. MARRECO: No objection by the prosecution to this affidavit.

DR. ASCHENAUER: My colleague here, Dr. Duerr, represents the Rider

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Corps, SA, and I should like him to make a statement in regard to the SA.

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DR. DUERR: Aside from the affidavits which were allowed from Madeleine Roentgen in Switzerland, and of Lorenz Fehrenbacher, the NS (or SA) Rider Corps wishes to submit two final affidavits.

The first one is an affidavit from Schramm. The Tribunal heard the witness Schramm on the 8th of July as witness for defendant Jodl. Two defense counsels for the organizations applied to be permitted to cross examine him. They were refused. They were referred to the Commission. After conference with Col. Neave the witness Schramm was withdrawn as a witness, and only an affidavit was submitted by him. It has the number NSRK-86. Professor Schramm was a professor for medieval and modern history at the University in Goettingen. He was a member of the NS Rider Corps. He is the author of a peace letter addressed to the Archbishop of Canterbury in the year 1938, which was read in the Lower House by Chamberlain. This is a summary of the affidavit:

Schramm in his capacity of former reserve officer characterizes the military value of the SA Rider Corps as zero. The NS Rider Corps never owned a pistol, a rapid fire arm, a machine gun, a grenade thrower. And it also did not train in the use of such arms. Though he was a cavalry reserve officer, like other reserve officers he remained Rottenfuehrer (platoon leader). The view of the regular officers was that the activity in the NS Rider Corps was a new form of the German desire to have societies.

Schramm in a letter to the Archbishop of Canterbury, with whom he was acquainted, expressed his joy about the securing of peace by the Munich Conference in 1938. He wants to have not only his conviction as reserve officer but also the conviction of the NS Rider Corps at that time expressed in these words:

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That the actual mood was correctly reproduced could not have been only the c cept of the Archbishop, but also that of Neville Chamberlain, for Neville Chamberlain read my letter which he characterized as the ideas of the Germans in the Lower House.

MR. MARRECO: I don't think that is at all relevant to the Rider Corps. This is an expression of the purely personal outlook of one of its members on matters of foreign politics -- which are of no concern to the Rider Corps activities. The Rider Corps may well have been a military training organization and still have a member who was happy about the events at Munich.

DR. DUERR: The witness Schramm does not talk only for the NS Rider Corps but for the love of peace of the entire SA and the German people.

MR. MARRECO: He is speaking entirely of himself when he writes to Neville Chamberlain about what he achieved at the Munich conference.

DR. DUERR: I believe it to be a proof that he is not talking for himself alone, for the reason that Neville Chamberlain characterized the letter as characteristic of the love of peace of the German people.

MR. MARRECO: Surely if Chamberlain read this letter in the House he was reading it as a letter from a distinguished German scholar, not as from a member of the SA. Professor Schramm is not a leader of the Rider Corps, or a leader of the SA, nor did he in his letter express his congratulations on behalf of the SA. He expressed them on behalf of himself. And it is perfectly clear that Mr. Chamberlain attached importance to these congratulations because they came from Schramm as a distinguished German scholar, not from "Whith" or "Brown" as SA members.

COMMISSIONER: I think it is very unfortunate that this letter to Chamberlain comes into the matter at all. If that were all the affidavit were about I would refuse it. But in view of the fact that I understand also it speaks as to the military value of the Rider Corps I am disposed to allow it.

DR. DUERR: I agree to cutting out that part of the affidavit which deals with the speech of Chamberlain.

MR. MARRECO: Yes, I would suggest that that part be struck out.

DR. DUERR: May I ask to continue with this translation of this summary as important parts are still to come.

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COMMISSIONER: Certainly, go ahead.

DR. DUERR: In his position as the author of the War Diary of the Wehrmachtfuehrunrsstab, Schramm never could observe that the SA leadership had taken, or had any influence whatsoever in the fuehrer headquarters. The influence of the SA receded after the ascension to power and after the 30th of July 1934 it was clearly recognizable that it was eliminated from any importa influence in the political development. Since the ascension of power membership in the SA was considerably less significant than membership in the Party. Again, membership in the NS Rider Corps was considered less than membership in the SA.

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COMMISSIONER: Is this the only affidavit on behalf of the Rider Corps?

DR. DUERR: There is another affidavit which has just arrived from the Bishop of Ermland of East Prussia.

COMMISSIONER: Have you a summary of the affidavit?

DR. DUERR: No, I have no summary. I just want to read themost important parts of it. It just arrived and I was not able to prepare a summary.

The affidavits emanating from the Russian zone were reserved for the defense.

The Bishop of Ermland in respect to the friendly attitude the Rider Corps had toward the church, states -- I now quote literally from the affidavit:

Members of the Ermland Riding Association considered it a special honor for centuries to meet the Bishop of Ermland, their former sovereign, when he made his official visits, and his confirmation visits, into the community or to accompany him to the next church. The transfer of the Riding Associations into the SA did not change anything about that though the higher leadership attempted to stop this "Bishop's Ride", and prohibited members of the SA from participating in it. Put to the choice to omit the Bishop's Ride or to be eliminated from the SA, the Ermland SA Rider Storms put it up to the higher leadership to eliminate them since they could not under any circumstances omit meeting the Bishop and to accompany him. Because this attitude was by far that of the largest number of members of the Ermland Rider SA the higher

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leadership could not execute the threatened punitive measures.

MR. MARRECO: No objections.

COMMISSIONER: Really, has this anything to do with the Rider Corps?

MR. MARRECO: I suppose it has, insofar as persecution of the church by the SA, and therefore by the SA Rider Corps, is a point taken by the prose

COMMISSIONER: Are those the grounds on which you present it, Dr. Duerr?

DR. DUERR: Yes, sir, those are the grounds.

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COMMISSIONER: We have dealt with all ten affidavits now, have we? And there are no more for the SA or the Rider Corps?

DR. DUERR: Except for the two reserved, which I mentioned at the beginning.

COMMISSIONER: I did not get those names. Give them to me againplease.

DR. DUERR: They are: Madeleine Roentgen and Lorenz Fehrenbacher.

COMMISSIONER: Why do you wish to reserve these? Why are they not ready ?.

DR. DUERR: The affidavit from Madeleine Roentgen emanates from Switzerland and has not as yet arrived, and is expected any moment. The other, we must submit with it a picture. It is the confirmation of the picture. And the affidavit pertaining to the picture has not as yet arrived.

COMMISSIONER: It is not for me to say whether these will be heard. It is for Col. Neave. But I understood that today was the very last day for the hearing of affidavits.

Well, now, as to these ten. I am going to disallow No. 1. that of Arnold Rechberg, as being irrelevent. disallow Affidavit No. 3, Fuerst aldburg zu Zeil, as being irreleveant, and there being no evidence that Sir Henry Deterdi represented the British government at the time of the alleged agreement or at any other time.

And I am going to disallow No. 4, the affidavit of Friedrich Haselmayr as being irrelevant.

I am going to allow all others, except No. 9, that of Schramm, which I am going to allow so long as all references to the letter to Mr. Chamberlain are omitted.

DR. ASCHENAUER: The defense reserves the right to argue before the Court regarding the disallowed affidavits. Up to now objections were put into the transcript and the discussion of the argument about it was to be put before t Court.

MR. HARRICO: The argument about this is in the transcript.

COMMISSIONER: I don't understand that, about the transcript. What is the contention?

DR. ASCHENAUER: For the final decision as to whether they are allowed are up to the Tribunal.

COMMISSIONER: What is that you said about the transcript?

DR. ASCHENAUER: Nothing.

(Dr. Aschenauer's statement is re-read by the German reporter; and it was found that the English interpretation should have read as follows;)

DR. ASCHENAUER: The defense reserves the right to argue before the court

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regarding the disallowed affidavits. Up to now objections were noted and the argument regarding the final decision is the affair of the Tribunal.

COMMISSIONER: There is nothing more to be said. The Commission will now adjourn.

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The foregoing is a true and correct transcript of ten submission of affidavi by Dr. Aschenauer, taken on 31 July 1946.

Mabel A Lesser.
Reporter

Cook
Reporter

Biolsi
Reporter

CERTIFIED TO:

I.D.McIlwraith
Commissioner

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